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SENATE BILL 977

47TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2005

INTRODUCED BY

Timothy Z. Jennings

AN ACT

RELATING TO CRIMINAL LAW; PROVIDING FOR A CIVIL FINE FOR
TRESPASS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 30-14-1 NMSA 1978 (being Laws 1963,
Chapter 303, Section 14-1, as amended) is amended to read:

"30-14-1. CRIMINAL TRESPASS. --

A. Criminal trespass consists of knowingly entering
or remaining upon posted private property without possessing
written permission from the owner or person in control of the
land. The provisions of this subsection do not apply if:

(1) the owner or person in control of the land
has entered into an agreement with the department of game and
fish granting access to the land to the general public for the
purpose of taking any game animals, birds or fish by hunting or

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1 fishing; or

2 (2) a person is in possession of a landowner
3 license given to him by the owner or person in control of the
4 land that grants access to that particular private land for the
5 purpose of taking any game animals, birds or fish by hunting or
6 fishing.

7 B. Criminal trespass also consists of knowingly
8 entering or remaining upon the unposted lands of another
9 knowing that such consent to enter or remain is denied or
10 withdrawn by the owner or occupant [~~thereof~~] of the lands.
11 Notice of no consent to enter shall be deemed sufficient notice
12 to the public and evidence to the courts, by the posting of the
13 property at all vehicular access entry ways.

14 C. Criminal trespass also consists of knowingly
15 entering or remaining upon lands owned, operated or controlled
16 by the state or any of its political subdivisions knowing that
17 consent to enter or remain is denied or withdrawn by the
18 custodian [~~thereof~~] of the lands.

19 D. Any person who enters upon the lands of another
20 without prior permission and injures, damages or destroys any
21 part of the realty or its improvements, including buildings,
22 structures, trees, shrubs or other natural features, is guilty
23 of a misdemeanor and [~~he~~] shall be liable to the owner, lessee
24 or person in lawful possession for civil damages in an amount
25 equal to double the value of the damage to the property injured

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1 or destroyed.

2 E. Whoever commits criminal trespass is guilty of a
3 misdemeanor and shall be subject to a fine equal to, but not to
4 exceed one thousand dollars (\$1,000), the fee charged by the
5 landowner for hunting, fishing or trapping activity.

6 Additionally, any person who violates the provisions of
7 Subsection A, B or C of this section, when in connection with
8 hunting, fishing or trapping activity, shall have his hunting
9 or fishing license revoked by the state game commission for a
10 period of not less than three years, pursuant to the provisions
11 of Section 17-3-34 NMSA 1978.

12 F. Whoever knowingly removes, tampers with or
13 destroys any "no trespass" sign is guilty of a petty
14 misdemeanor; except when the damage to the sign amounts to more
15 than one thousand dollars (\$1,000), he [~~or she~~] is guilty of a
16 misdemeanor and shall be subject to imprisonment in the county
17 jail for a definite term less than one year or a fine not more
18 than one thousand dollars (\$1,000) or to both such imprisonment
19 and fine in the discretion of the judge.

20 G. This section, as amended, shall be published in
21 all issues of "Big Game Hunt Proclamation" as published by the
22 department of game and fish."